

Richard Gause # 7557808
Name and Prisoner/Booking Number

Place of Confinement

3250 W. Lower Buckeye Road
Mailing Address

Phoenix, Arizona 85009
City, State, Zip Code

(Failure to notify the Court of your change of address may result in dismissal of this action.)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Richard Gause
(Full Name of Plaintiff)

Plaintiff,

v.

(1) Officer Bacon Individual and official capacity
(Full Name of Defendant) official capacity

(2) Scottsdale Police Department
Individual and official capacity

(3) S. Vaughn official capacity

(4) Mesa Police Department
Defendant(s).

☐ Check if there are additional Defendants and attach page I-A listing them.

CASE NO. CV-19-05917-PHX-JJT-ESW
(To be supplied by the Clerk)

**CIVIL RIGHTS COMPLAINT
BY A PRISONER**

- ☒ Original Complaint
☐ First Amended Complaint
☐ Second Amended Complaint

Jury Trial Demanded

A. JURISDICTION

1. This Court has jurisdiction over this action pursuant to:

☒ 28 U.S.C. § 1343(a); 42 U.S.C. § 1983

☐ 28 U.S.C. § 1331; *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971).

☐ Other: _____

2. Institution/city where violation occurred: Scottsdale A.Z.

B. DEFENDANTS

1. Name of first Defendant: K. Bacon. The first Defendant is employed as: Patrol Officer at Scottsdale Police Department.
(Position and Title) (Institution)
2. Name of second Defendant: Scottsdale Police Department. The second Defendant is employed as: _____ at _____.
(Position and Title) (Institution)
3. Name of third Defendant: S. Vaughn Badge #P20113. The third Defendant is employed as: Patrol Officer at Mesa Police Department.
(Position and Title) (Institution)
4. Name of fourth Defendant: Mesa Police Department. The fourth Defendant is employed as: _____ at _____.
(Position and Title) (Institution)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

C. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner? ☒ Yes ☐ No
2. If yes, how many lawsuits have you filed? 3-4 ^{→ Unsure due to brain damage/memory loss}. Describe the previous lawsuits:
- a. First prior lawsuit:
- Parties: Gause v. Corizon Health et al
 - Court and case number: 2:19-cv-01196-JJT-ESW
 - Result: (Was the case dismissed? Was it appealed? Is it still pending?)
Still Litigating
- b. Second prior lawsuit:
- Parties: Gause v. Friedman et al / Maricopa County
 - Court and case number: 7
 - Result: (Was the case dismissed? Was it appealed? Is it still pending?)
Settled Between Parties
- c. Third prior lawsuit:
- Parties: Gause v. Corizon Health et al
 - Court and case number: 7
 - Result: (Was the case dismissed? Was it appealed? Is it still pending?)
Settled Between Parties

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

D. CAUSE OF ACTION**COUNT I**

1. State the constitutional or other federal civil right that was violated: _____

2. **Count I.** Identify the issue involved. Check **only one**. State additional issues in separate counts.

- | | | | |
|---|---|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Mail | <input type="checkbox"/> Access to the court | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Property | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation |
| <input checked="" type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____ | |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Count I. Describe exactly what **each Defendant** did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

On 11-14-19 upon arresting me, in Scottsdale A.Z., I informed Unknown Officer Bacon, Defendant #1 and also Defendant #2 Unknown Scottsdale Police Department (Now Known as SPD) I am extremely messed up on drugs, I was raped/ordered to be "Hot Shot"/Killed earlier at Motel room when found out I was approved for a Pell Grant and Student Loan, just had to verify address and direct deposit account #, tell this to people in room and was given a syringe of supposed "Meth" to celebrate and I do it and immediately I'm falling out and have to run from Motel 6 and yell and scream like mad man to stay awake. I end up eating meth someone dumps in my palm about 4 P.M., was hotshotted 3:30 P.M. or so. Then I get more meth did more, was up for days already, I don't do no other drugs besides Meth and only did that to stay awake as was homeless. If I slept, my property get stolen, awaiting entrance to EVMC. So whatever was given to me had me in a different reality, I can't breath, I believe Mesa P.D. is trying to set me up and kill me (Mesa P.D. is Defendant #4 and Count II but will write supporting facts for both Counts I and II together) Defendant #1 Bacon and #2 SPD inform me Mesa Police Department Defendant #4 (Now Known herefore as MPD Defendant #4) I beg³ plead NOT to be given to MPD custody they are trying to kill me, to please take me to Hospital, can't breath maybe I'm O'Ding from "Hot Shot". That they already set me up saying this car I'm in is stolen, it's not, was just given to me. due to MPD harrassing me for hours. Continued Page 3-A - Supporting Facts

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

I was sent to Hospital, have severe back/leg pain, psychological trauma that's got me mental issues untold severity. Facing years in prison.

5. **Administrative Remedies:**

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☐ Yes ☒ No
- Did you submit a request for administrative relief on Count I? ☐ Yes ☒ No
- Did you appeal your request for relief on Count I to the highest level? ☐ Yes ☒ No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. None for Police.

Supporting Facts Continued -

officer Bacon asks me to explain and I tell him how I already this night MPD was supposed to commit me Community Bridges Detox Psych Eval for a 72 psych eval as I had a complete loss of reality due to drugs and also he can look on my Facebook account, I secretly Facebook Live recorded a incident at Dennys where Unknown Officer also Defendant #4 MPD when asked for hrs name and badge tells me as he laughs "Shvartfunkel badge #187 Ha Ha Ha!" As he's on a call I called 911 for asking for mental health help because I'm in fear of people trying to kill me! I showed him I was recording him on Facebook Live and asked him to repeat that, he covered his real name on vest with hand and asked me if it's saved or do I have to save it, how does it work? I tell him it's saved forever, people watching now, he's screwed I tell him. The other Officer a MPD officer Perez tells me but, you caused a lot of crimes in Dennys, misdeameors yes, how about I bring you to Community Bridges and commit you for 72 hours psych eval instead of charge you, O.K this as the "187" officer got in his S.W.V. and squealed away fast. He just drops me off tells me I get 30 minutes to get as far away as I can run! I end up flagging down 2 MPD cars tell them story I need medical help taken to CBT (Community Bridges) and then messed with and told to "run if I want to live!" As MPD cruisers messed with me with spotlights and racing like going to run me over but not stopping until I went into a t. across from CBT hours later asking for help when guy came in and told me the keys are in his car, hurry and get out of Mesa. Only car there, only person, so I did, thought was someone helping me get away from MPD! I tell this to Officer Bacon who I give my Facebook to watch the Live Video and he tells me I'm lucky to be alive, MPD won't hesitate to bury me in the desert! They are bringing the victim to pick up his car, it's got a backpack full of weed in it, the victim is Defendant #5 Eugene Thompson who told me to take the car to get out of Mesa and keys in it! Bacon tells me MPD will probably try to just give the car back to victim and to insure my safety he is going to log vehicle, his report states was a 2008 Buick LeSabre White, redacted license plate and vin#, but states it was Towed to All City Towing at 922 E. Gilbert Road, Tempe A.Z., at 2110 hrs. on 11-14-19. Has it being cleared,

Supporting facts continued

searched all by separate officers and even has reference #'s for victim to pick up vehicle from ALL City Towing! This is all FALSE and in other reports Defendant #3 Vaughn even writes about taking Eugene Thompson to vehicle who verified no damage and was given to him and he left scene. True! They also gave him the backpack full of weed in the car that I originally was going to be charged with but he admitted was his! This was weed in unmarked Glass and Plastic containers. Only thing I could find in car, the I-Phone used to Track the vehicle was in the trunk in the spare tire wheel well! "This was a set up from the get go, huh" is what Officer Bacon said when Defendant #5 Eugene Thompson showed up, walked right up to car, popped trunk, got phone out, grabbed backpack full of weed off top of car, got in and shook MPD hand and was gone in under a minute there! This was recorded by the Unknown station's Helicopter and also MPD officer Vaughn states his body cam was on, submitted as evidence. Now as I'm taken out of Scottsdale P.D. car to MPD, I don't want to go, I'm telling a SPD Sgt. to look at my Facebook Live video, they'll kill me! When cops just start pummeling me with their fists! Hitting me in my body and legs, lower back, twist my ankle so bad I received X-Rays here as believed to be broken! Received back X-Rays as it's messed up bad! I was choked out and told, "Shut the fuck up!" Wake up on the ground, knuckle being ground in my solarplex, slapped hard, telling me I'm going to hospital, it's O.K. So Officer Vaughn writes I complained of breathing and he watched me taken from SPD vehicle and put in Scottsdale fire and transported to Banner Hospital, that's it. Yet, an officer with MPD writes I moved around violently while complaining of breathing issues so was transported to Hospital. Yet Defendant #1 Officer Bacon writes I quit breathing went into seizures, hit my head and lost consciousness and had to be transported to Hospital. 3 separate stories to cover the fact they beat the crap out of me and tried to cover it up! Yet Body Cams, Dash Cams, and also Helicopter camera were all in use and will prove the truth! Defendant #1 Officer Bacon put my safety in jeopardy by submitting false reports that don't coincide with other police reports, by being involved in the

Supporting facts Continued

beat down of me during transfer from SPD to MPD

Defendant #2 Scottsdale Police Department & their officers put my safety in jeopardy, risking imprisonment of a plea of 6 1/2 yrs. stipulated, presumptive of 1 1/2 yrs. if lose at Trial and they turned me over to a department Mesa Police who they admitted "I'm lucky they didn't bury me in desert" then turning me over to them after stating they "straight set me up." They didn't immediately call for medical, fire or ambulance, made me sit in back of S.U.V. for awhile to decide if MPD wanted Fire or Ambulance to come! I had opiates in my system and I'm a firm believer of opiates and DO NOT use them, I could of died from O.D. or whatever from roofie of unknown drugs/hot shot. This was excessive force in the extreme as well for not only the physical abuse I was sent to the Hospital for, but also this is excessive force as I was already in a mental breakdown and telling me not only am I lucky not to be buried, a unknown Scottsdale P.D. officer I don't know if he was trying to scare me or what, but informed me that the Mesa P.D. Chief of Police just resigned cause the entire MPD is too corrupt to fix, he'll follow me to Hospital and he'll let MPD know that he will be doing a welfare check on me at Maricopa County to make sure I make it there alive! With no more injuries than I already have!

Defendant #3 S. Vaughn showed excessive force by an officer by helping pummel me with fists and choke me out during transfer from SPD to MPD custody putting my safety at risk both imminent as was ~~retaining~~ having bad breathing problems due to drugs and hot shot/roofie and

Defendant #4 Mesa Police Department, its unknown officers in their official capacities all were involved as well. The same for Defendant #2 Scottsdale Police, all unknown and known officers in their official capacities were involved in my threat to safety. Excessive force and in MPD's case, also retaliation. The Retaliation, which stems from a Aug. 9th or so accident in which I was hit by car in bike lane, legally crossing, a hit and run when a MPD SUV was actually at light and wrote a false report at first, lying stating driver had no insurance, did not cite for hit and run, set me up then as well telling me to call driver and would get new bike and \$200-1000 in cash, since no insurance, is better than nothing, then when I did call, driver said yes to new bike and cash but was all a set-up by Mesa P.D. This is a lesser Court personal injury

Supporting Facts Continued

Test, but basically one Mesa P.D. officer was truthfull when found out the extent to which his computer was lying and filing false report and outed him, the driver did have insurance, the MPD officer told him he didn't need it! Would cost him less if he just bought me a new bike and paid me, he won't even write him up for hit and run, even though it clearly was and he saw it, I'm a loser felon spent 20 or so years in prison, I don't know about life, I don't deserve a big check! This is why Mesa PD was setting me up and why I believed wanted to kill me cause I told everyone buddy at first, until MPD just started harrasing me daily!

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E. REQUEST FOR RELIEF


State the relief you are seeking:


I'm seeking 2 million dollars from both Mesa P.D. and Scottsdale P.D. each and officers Vaughn and Bacon each for counts 1, 2 and 3. Also, would like for all officers who wrote false reports to be suspended and not allowed to ever interact with the public again. Can be suspended with or without pay, makes no difference to me as I realize their families shouldn't have to pay for their cruelty.


I declare under penalty of perjury that the foregoing is true and correct.

Executed on 12-14-19
DATE


SIGNATURE OF PLAINTIFF


(Name and title of paralegal, legal assistant, or other person who helped prepare this complaint)


(Signature of attorney, if any)


(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If you need more space, you may attach no more than fifteen additional pages. But the form must be completely filled in to the extent applicable. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages.

MARICOPA COUNTY SHERIFF'S OFFICE
CERTIFICATION

I hereby certify that on this date December 24, 2019

In accordance with the instruction received from the inmate and the rules of this Court, I mailed the original and one (1) copy to the Clerk of the United States District Court, District of Arizona.

I further certify that copies of the original have been forwarded to:

___ Hon _____ United States District Court, District of Arizona.

___ Hon _____ United States District Court, District of Arizona.

___ Attorney General, State of Arizona, _____

___ Judge _____ Superior Court, Maricopa County, State of Arizona.

___ County Attorney, Maricopa County, State of Arizona _____

___ Public Defender, Maricopa County, State of Arizona _____

___ Attorney _____

___ Other _____



Legal Support Specialist Signature

B3638
S/N

INMATE LEGAL SERVICES
Maricopa County Sheriff's Office
3250 W. Lower Buckeye Rd.
Phoenix, AZ 85009